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PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kary B. Mullis

Application No.: 10/696,770

Filing Date: October 29, 2003

Title: Chemically Programmable Immunity

Art Unit: 1644

Examiner: David A. Saunders

Attorney Docket No. 13721.105005

PETITION FOR EXTENSION OF TIME

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner respectfully requests a three-month extension of time within which to file a response to the Office Action mailed September 12, 2006. A credit card authorization is enclosed to cover the three-month extension of time fee in the amount of \$510.00.

05/18/2007 HLE333 00000067 10696770

08.FC:2253

510.00 OP

05/17/2007 08:00:00  
05/17/2007 08:00:00  
05/17/2007 08:00:00

Respectfully submitted,

Stephen C. MacDonald, Ph.D.  
Reg. No. L0063

Date: May 17, 2007

KING & SPALDING LLP  
1180 Peachtree Street, 34<sup>th</sup> Floor  
Atlanta, GA 30309  
(404) 572-4600

Refund Ref: 003004775

Charged Card Refund Totals \$510.00

4- Exp. : XXXXXXXXXXXX2007

I hereby certify that this correspondence is being sent to the United States Patent and Trademark Office via facsimile transmission to 571-273-8300, attention Centralized Fax Department on May 17, 2007.

Stephen C. MacDonald, Ph.D., Reg. No. L0063

PTO/SB/64 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
13139-0103 (13721.105005)

First named inventor: Kary B. Mullis

Application No.: 10/696,770

Art Unit: 1644

Filed: October 29, 2003

Examiner: David A. Saunders

Title: Chemically Programmable Immunity

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☒ Small entity - fee \$750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$\_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of credit card (Identify type of reply):☒ has been filed previously on May 17, 2007.☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

☐ has been paid previously on \_\_\_\_\_.☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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00000033 110950 10696770  
750.00 DR

PTO/SB/64 (09-06)

Approved for use through 03/31/2007. DMB 0651-0031

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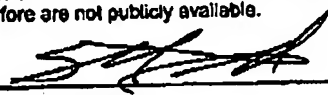
## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

	May 21, 2007
Signature	Date
Stephen C. MacDonald, Ph.D.	L0063
Typed or printed name	Registration Number, if applicable
King & Spalding LLP	404-572-2715
Address	Telephone Number
1180 Peachtree Street, Atlanta, GA 30309	
Address	

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

May 21, 2007

Date



Signature

Stephen C. MacDonald, Ph.D.

Typed or printed name of person signing certificate

**UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231**

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>09/11/07</u>		2 Serial/Patent # <u>10/696,770</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing (2007)			\$							
	Amendment			\$							
X	Extension of Time (2253)		05/17/07	\$ 510.00							
	Notice of Appeal/Appeal			\$							
X	Petition (2453)		05/21/07	\$ 750.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
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	Other (2801)			\$							
			7 TOTAL AMOUNT OF REFUND	\$ 1,260.00							
10 REASON:		8 TO BE REFUNDED BY: CC									
	Overpayment	Treasury Check									
X	Duplicate Payment	X	Credit Deposit A/C #:								
X	No Fee Due (Explanation):	9	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">9</td> <td style="width: 20px; text-align: center;">8</td> <td style="width: 20px; text-align: center;">0</td> </tr> </table>		1	1	--	0	9	8	0
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Duplicate petition fee and mamimum extension time expired											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Charlema Grant</u>		TITLE: <u>Atty</u>									
SIGNATURE: <u>/Charlema Grant/</u>		PHONE: <u>X-3215</u>									
OFFICE: <u>OP</u>											
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APPROVED: <u><i>CKhbk</i></u>		DATE: <u>9/17/07</u>									

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